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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/710,645 09/18/96 LEVINE

M LVN-08202/03

EXAMINER

WM02/1003

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ART UNIT

PAPER NUMBER

2611

DATE MAILED:

10/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/710,645

Applicant(s)

LEVINE, MICHAEL R.

Examiner

Brown M. Reuben

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 13 October 1997.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furrey, (U.S. Pat # 6,049,653) in view of Amano, (U.S. Pat # 4,999,622).

Considering claims 1, 11 & 16, the claimed TV module adapted for use in conjunction with a remotely controllable associated unit, comprising a remote control signal transmitter adapted to transmit signals representative of control codes to associated units is met by the disclosure of Furrey, (col. 5, lines 41-44; col. 6, lines 38-40) which teaches a VCR transmitting commands for controlling a cable box. The claimed means adapted to analyze the operation of the associated unit in response to control codes is met by the disclosure of Furrey, which teaches that the VCR checks to see whether the receiving unit has executed the commands which have been transmitted, col. 5, lines 25-50.

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As for claimed memory for storing remote-control codes including the energization or 'switch-on' codes for associated units *provided by a variety of manufacturers*, clearly Furrey includes memory for control codes for at least one manufacturer of an associated unit, however it is not specifically taught that control codes are stored for a plurality of manufacturers.

Nevertheless, Amano discloses the benefits of memory storing control codes for a plurality of manufacturers, (Table I; col. 3, lines 9-26; col. 5, lines 55-61 & col. 6, lines 40-43). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Furrey with the feature disclosed in Amano of storing control codes for a plurality of manufacturers, for the known advantage of a more flexible system which is enabled to control a wider range of associated units. Even though Amano is specifically directed to storing control codes for TV's or VTR's, the reference is relied upon to teach storing codes for a plurality of manufacturers, therefore the combination of Furrey & Amano would at least suggest to one of ordinary skill in the art the store a plurality of control codes for manufactures of cable boxes.

The claimed electronic controller means operative to cause the remote-control signal transmitter to transmit test control signals to the associated unit and cause the analyzation means to determine whether the associated unit has been energized in response to the control codes, and to cause the control codes to be stored in memory is met by the combination of Furrey & Amano. Furrey teaches that various control codes may be transmitted to an associated unit, wherein the associated unit is monitored to determine whether it has executed the transmitted control codes. Furrey furthermore teaches that one of the operations of the associated unit that may be detected is whether the instant unit is 'On' or 'Off', however the reference does not explicitly teach that

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the energization codes for associated units may be stored in the VCR. Nevertheless, in Amano the 'Switch-On' or energization codes for manufacturers are indeed stored in memory of the transmitting unit and are used in order to determine the manufacturer of the associated unit, (col. 7, lines 1-35), which teaches that a 'Switch-On' pattern stored in ROM is compared with incoming waveforms in order to determine the manufacturer of an associated TV or VTR. Again the actual operation of Amano is different from the claimed invention, however examiner is citing Amano for the fact that it was well known in the art at the time the invention was made to *store and utilize energization codes* in determining the manufacturer of an associated unit. Moreover, as pointed out above, Furrey discloses transmitting control codes to an associated unit and monitoring its operation as a result of the transmitted control codes.

Finally the step of causing the control codes determined to be related to the associated unit to be stored in memory reads on Amano, since once it is determined that the TV or VTR is turned on due to the control code, then the particular control code is stored in RAM of the remote control, (col. 5, lines 9-12; col. 6, lines 60-65; col. 7, lines 1-35).

Considering claims 2 & 17, the claimed TV module reads on the VCR of Furrey, Fig. 1; col. 6, lines 38-41.

Considering claims 3 & 18, the claimed cable tuner associated unit reads on the cable box of Furrey, (Fig. 2a; Fig. 2b).

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Considering claims 4 & 19, it would have been obvious for one of ordinary skill in the art at the time the invention was made to replace the cable box of Furrey with a satellite receiver, at least for the desirable benefit of providing the user with a wider range of TV signals.

Considering claims 5 & 20, in Amano the associated unit is disclosed either as a TV or VTR.

Considering claims 6, 9, 12 & 21, in Furrey the system detects whether transmitted control codes have been executed, and detects whether the associated unit is 'On' or 'Off'. In Amano the systems detects whether a particular switch-On code representing a particular manufacturer matches a signal waveform transmitted from the associated unit, col. 3, lines 40-50 & col. 7, lines 1-10.

Considering claims 7-8 & 13-14, Furrey discloses that the video signal from an associated unit may be monitored, and more specifically that a Valid TV sync may be detected in order to determine whether the associated unit has been turned on, col. 5, lines 1-50.

Considering claims 10, 15 & 22, Official Notice is taken that at the time the invention was made, audio or acoustic sensors were well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made to use the well known technique of audio sensors, at least for the known advantage of an additional manner for detecting if an associated unit is turned on.

*Response to Arguments*

2. In light of the received Statement of Inoperativeness or Invalidity of Original Patent, examiner withdraws the previous finding of defective oath or declaration for failing to specify error(s) are relied upon for filing the present reissue application. Likewise the objection under 35 U.S.C. 251 as lacking the written consent of all assignees owning an undivided interest in the patent has been withdrawn, due to receiving an oath/declaration listing the appropriate assignee, Smart VCR Limited Partnership.

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Kohler            Standard Universal remote control.

B) Levine           Single remote control for controlling at least three units, also teaches that the remote control transmitter may send a signal to a cable box causing it to be energized, col. 2, lines 40-52.

C) Young           Teaches that IR codes of remote controllers for VCR's and cable boxes may be stored in ROM of a VCR, (Fig. 1; col. 6, lines 4-15).

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

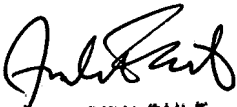
*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or  
proceedings should be directed to the receptionist whose telephone number is (703) 305-  
4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600